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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/933,655
Filing Date: August 21, 2001
Appellant(s): LEE ET AL.

Sanjeev K. Singh
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/27/05 appealing from the Office action
mailed 4/20/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,697,103	Fernandez et al.	2-2004
6,704,040	Sato	3-2004

5,917,958

Nunally et al.

6-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Fernandez et al. (6697103), (hereinafter referred to as "Fernandez").

Regarding claim 1, Fernandez discloses an apparatus that relates to remote surveillance and communications technology (Fernandez: column 1, lines 6-8). This apparatus comprises "receiving a request from a mobile terminal" (Fernandez: column 8, lines 20-23, wherein the mobile terminal is the controller, column 9, lines 1-5, wherein the request is the user selection of the desired objects), "identifying the area that is to be identified" (Fernandez: column 4, lines 3-9, wherein common areas are identified, column 9, lines 1-5, wherein the identification is performed by the user selecting the appropriate site or link), and "orienting equipment to effect surveillance of the identified area" (Fernandez: column 4, lines 57-61, wherein orienting equipment is adjusting the pan, tilt, or focus).

Regarding claim 2, Fernandez discloses "using information from the mobile terminal to identify the area to be under surveillance" (Fernandez: column 8, lines 20-23, wherein the mobile terminal is the controller, column 9, lines 1-5, wherein the information is the data corresponding to the user selection).

2. Claims 1 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Sato (6704040).

Regarding claims 1 and 18, Sato discloses an apparatus that relates to remote control for a videophone used for surveillance (Sato: column 1, lines 7-10). This apparatus comprises "receiving a request from a mobile terminal" (Sato: figure 1, column 4, lines 38-45, wherein the mobile terminal is the cellular phone), "identifying the area that is to be identified" (Sato: column 4, lines 60-67, wherein the area to be identified is the area where the destination camera is located), and "orienting equipment to effect surveillance of the identified area" (Sato: column 5, lines 60-67, wherein orienting equipment is adjusting the direction, magnification, and resolution of the camera).

3. Claims 1 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsieh (6400264).

Regarding claim 1, Hsieh discloses an apparatus that relates to a community-monitoring device (Hsieh: column 1, lines 6-10). This apparatus comprises "receiving a request from a mobile terminal" (Hsieh: column 3, lines 13-20, wherein the mobile terminal is the portable image monitor, the request is the camera rotation switch which requests the camera to be rotated), "identifying the area that is to be identified" (Hsieh: figure 3, column 4, lines 40-45, wherein the area to be identified is the community), and "orienting equipment to effect surveillance of the identified area" (Hsieh: column 3, lines 13-20, wherein the orientation is the camera rotation).

Regarding claim 21, Hsieh discloses "coupling video surveillance equipment to a network" (Hsieh: column 3, lines 1-5, wherein the surveillance is the resident camera) and "orienting the equipment to initiate a request for surveillance" (Hsieh: column 3, lines 1-25, wherein the camera or equipment is oriented such that upon a correctly inputted code, an image is taken and transmitted, initiating the request is the process of taking an image when a user inputs a code).

4. Claims 3-10, 12-17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez et al. (6697103), (hereinafter referred to as "Fernandez") in view of Kawai et al. (6137485), (hereinafter referred to as "Kawai").

Regarding claim 3, note the examiners rejection for claim 1 and in addition, claim 3 differs from claim 1 in that claim 3 further requires using information from a base station to identify an area to be under surveillance. Kawai teaches that it is well known to use information from a base station to select images for surveillance (Kawai: column 1, lines 24-46, wherein the base station is where the user terminal is located, the information is the user selection for the specified camera). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Fernandez and add the information from the base station taught by Kawai since it is well known in the art to do so.

Regarding claims 4 and 20, Fernandez discloses "the wireless telecommunication system uses information from GPS to identify the are that is

to be under surveillance” (Fernandez: column 7, lines 30-40, wherein the telecommunication system is the cellular phone radio connectivity, column 12, lines 40-49, wherein the GPS provides location information).

Regarding claims 5 and 8-9, although not disclosed, it would have been obvious to use the location of the terminal to orient a camera to focus in on the terminal (Official Notice). Doing so would have been obvious in order to obtain a surveillance system that is more diverse by being able to view not only the surroundings but also the controller/terminal itself.

Regarding claim 6, Fernandez discloses “the location of the mobile terminal is determined from global position satellite signals” (Fernandez: column 10, lines 36-42, wherein the controller is equipped with a GPS receiver).

Regarding claim 7, Fernandez discloses “the location of the terminal is determined from the wireless network” (Fernandez: column 10, lines 36-42, wherein the wireless network is the GPS network).

Regarding claim 10, Fernandez discloses “the equipment used to effect surveillance” (Fernandez: column 4, lines 57-61, wherein adjusting the pan, tilt, or focus is effecting surveillance).

Regarding claim 12, Fernandez discloses “the equipment used to effect surveillance remains focused for a fixed interval of time” (Fernandez: column 12, lines 50-67, wherein the fixed interval of time is the time the object is within view of the cameras).

Regarding claims 13 and 17, Fernandez discloses "making a recording of the area under surveillance" (Fernandez: column 9, lines 10-24, wherein the database is equipped with a storage device array for recording various statistics and images).

Regarding claim 14, Fernandez discloses "the request for surveillance from the mobile terminal is effected by activation a menu and selecting an option from the menu" (Fernandez: column 9, lines 1-9, wherein the menu is the list of websites or icons and selecting an option is clicking or selecting on the desired website or link).

Regarding claims 15 and 16, although not disclosed, it would have been obvious to use a security code on the mobile terminal (Official Notice). Doing so would have been obvious in order to prevent unauthorized access to the system.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez et al. (6697103), (hereinafter referred to as "Fernandez") in view of Kawai et al. (6137485), (hereinafter referred to as "Kawai") in further view of Ozaki et al. (6342915), (hereinafter referred to as "Ozaki").

Regarding claim 11, note the examiners rejection for claim 3 and in addition, claim 11 differs from claim 3 in that claim 11 further requires audio communication via a wireless network. Ozaki teaches that it is well known in the art to provide a wireless audio link for communication between two terminals (Ozaki: column 1, lines 17-25, wherein the wireless link is the cell phone, the two terminals are the different locations of the user and manager). Therefore, it

would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Fernandez, add the information from the base station taught by Kawai, and add the audio link taught by Ozaki since it is well known in the art to do so.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (6704040) in view of Nunally et al. (5917958), (hereinafter referred to as "Nunally").

Regarding claim 19, note the examiners rejection for claims 1 and 18, and in addition, claim 19 differs from claims 1 and 18 in that claim 19 further requires activating a menu and selecting a surveillance option from the menu. Nunally teaches that there is a need for more efficient and flexible surveillance systems (Nunally: column 2, lines 46-50). To help alleviate this problem, Nunally discloses "activating a menu and selecting a surveillance option from the menu" (Nunally: figures 136, 170, wherein the menu is the drop down menu, the option is the different tools to apply to the selected cameras). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Sato and add the menu options taught by Nunally in order to obtain an apparatus that operates more efficiently by providing a security device that operates with greater flexibility by being able to customize different options for different cameras.

(10) Response to Argument

- i. On pages 6-10, appellant argues that Fernandez fails to disclose receiving a request for surveillance from the mobile terminal.

The examiner notes that receiving a request for surveillance by seizing control of the surveillance equipment, as argued by appellant, is not found in the claims. What is found in the claims is receiving a request for surveillance from the mobile terminal. Fernandez discloses in figure 1 and column 6, lines 52-65, that a controller, or mobile terminal, user can provide input to request current or future monitoring or surveillance at a certain location by using the controller. Fernandez further discloses in column 8, lines 20-22, that the controller is implemented in a portable computer, thus indicating the controller is mobile. Therefore a request is received from the mobile terminal, or controller, for initiating a surveillance sequence.

- ii. On pages 6-10, appellant argues that Fernandez fails to disclose orienting equipment to effect surveillance of the identified area.

Fernandez discloses in column 6, lines 54-58, that a user can send instructions or modifications to change, select, or adjust sensors, such as focus, zoom, tilt, angle, and pan. The examiner notes that changing the above listed parameters would therefore be orienting equipment to effect surveillance of the identified area.

- iii. On pages 10-12, appellant argues that Fernandez fails to disclose identifying the area that is to be under surveillance.

The examiner notes that identifying the area that is to be under surveillance by using the mobile terminal or controller, as argued by appellant, is not found in the claims. What is found in the claims is identifying the area that is

to be under surveillance. Fernandez discloses in column 7, lines 15-25, that a locator is implemented using general navigational functionality, and helps determine the location of a moveable object. Therefore the use of the locator helps identify the area that is to be under surveillance, the area in this instance being the object.

- iv. On pages 12-13, appellant argues that Fernandez fails to disclose using information from the mobile terminal to identify the area that is to be under surveillance.

Fernandez discloses in column 6, lines 54-58, that a user can send instructions or modifications, from the controller, to change, select, or adjust sensors, such as focus, zoom, tilt, angle, and pan. The examiner notes that these parameter adjustments, or information, from the controller would identify the area that is to be under surveillance by correctly positioning the cameras to view the object in the objects current location. If the object is moving, this information would also help determine the new area where the object is located.

- v. On pages 13-14, appellant argues that Sato fails to disclose receiving a request for surveillance from a mobile terminal and orienting equipment to effect surveillance of the identified area.

Sato discloses in figure 1, a cellular phone set or mobile terminal. Sato further discloses in column 4, lines 38-42, that the control section 13, of the cellular phone set, generates camera control requests, indicating the sending of a request for surveillance. Sato also discloses in column 5, lines 59-62, setting the direction, magnification or zoom, and resolution of a camera. The examiner

notes that by setting the direction and magnification of a camera, Sato is orienting equipment to effect surveillance of the area.

vi. On pages 14-16, appellant argues that Hsieh fails to disclose receiving a request for surveillance from the mobile terminal and identifying the area that is to be under surveillance.

Appellant's arguments with respect to Hsieh have been found persuasive.

vii. On pages 18-19, appellant argues that Nunally fails to provide any suggestion or motivation to modify Sato.

Nunally is directed to a closed circuit surveillance system. Nunally discloses in column 2, lines 46-51, that there is a need for more efficient and flexible information retrieval techniques in the prior art surveillance systems. To help alleviate this need, Nunally illustrates in figures 136 and 170, the use of drop down menus. Since Sato is also in the surveillance environment, the combination of Sato and Nunally would yield a surveillance system with a more efficient and flexible information retrieval technique and is therefore deemed proper.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) Evidence Appendix

There is no separate Evidence Appendix for this appeal.

Art Unit: 2621

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Dave Czekaj




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